

**RECESS**

On motion of Senator Brooks, the Senate at 1:21 p.m. took recess until 8:00 a.m. tomorrow.

**SIXTY-SECOND DAY**  
(Continued)  
(Friday, May 10, 1991)

**AFTER RECESS**

The Senate met at 8:00 a.m. and was called to order by Senator Haley.

**SENATOR ANNOUNCED PRESENT**

Senator Glasgow, who had previously been recorded as "Absent-excused," was announced "Present."

**MESSAGE FROM THE HOUSE**

House Chamber  
May 10, 1991

**HONORABLE BOB BULLOCK**  
**PRESIDENT OF THE SENATE**

SIR: I am directed by the House to inform the Senate that the House has passed the following:

**H.C.R. 225**, Requesting the governor to return **H.B. 553** to the house for further consideration.

**H.B. 134**, Relating to the qualifications and compensation of presiding judges of administrative judicial regions.

**H.B. 1503**, Relating to the regulation of a nursing pool and the establishment of standards for the service provided by a nursing pool to a licensed health care facility; providing penalties.

**H.B. 1298**, Relating to the appraisal of certain property for ad valorem taxation.

**H.B. 1047**, Relating to compensation of counsel appointed to defend indigent defendants in appellate courts.

**H.B. 1979**, Relating to providing for methods and procedures for the eradication of boll weevils in cotton; providing penalties.

**H.B. 2324**, Relating to criminal trespass on land where crops are grown.

**H.B. 2288**, Relating to the liability of the State Department of Highways and Public Transportation to adjoining property owners.

**H.B. 2426**, Relating to legal defense of indigent inmates.

**H.B. 2266**, Relating to the requirement that certain taxpayers establish a tax escrow account at a bank or other financial institution.

**H.B. 2795**, Relating to investment of certain public funds in certain money market mutual funds.

**H.B. 1757**, Relating to the financing and purchasing procedures of the Texas Low-Level Radioactive Waste Disposal Authority.

**H.B. 2625**, Relating to the perfection of a security interest in a motor vehicle.

**H.B. 2368**, Relating to exempting the procurement of security services, personnel or devices by cities from the requirement for competitive bidding or competitive proposals.

**H.B. 702**, Relating to the creation of a criminal offense for the performance of surgery by a physician or dentist infected with human immunodeficiency virus.

**H.B. 2259**, Relating to child care services for state employees.

**H.B. 1258**, Relating to the expansion of the powers of the consumer credit commissioner to regulate the operation of pawnshops and to the regulation of certain advertisement and lending practices.

**H.B. 2250**, Relating to the powers and liability of a public health district and to the liability of its members.

**H.B. 1739**, Relating to temporary vehicle registration.

**H.B. 1342**, Relating to the issuance of a commercial driver's license and certain information required to be provided by the Department of Public Safety; providing penalties.

**H.B. 2069**, Relating to the use of the medical services trust fund.

**H.B. 1955**, Relating to pools and spas owned or controlled by apartment owners and property owners associations; providing a civil penalty.

**H.B. 272**, Relating to the election of members of the governing board of certain community college districts from single-member districts.

**H.B. 285**, Relating to drug-free school zones and to the imposition of penalties for the delivery, manufacture, or possession with the intent to deliver or manufacture a controlled substance in drug-free school zones or on school buses.

Respectfully submitted,

BETTY MURRAY, Chief Clerk  
House of Representatives

#### LOCAL AND UNCONTESTED BILLS CALENDAR

The Presiding Officer (Senator Haley in Chair) announced that the time had arrived for consideration of the Local and Uncontested Bills Calendar.

Pursuant to Senate Rule 9.03(d), the following bills were laid before the Senate, read second time, amended where applicable, passed to engrossment/third reading, read third time and passed: (Vote on Constitutional Three-Day Rule and final passage indicated after the caption of each bill.)

**S.B. 328** (Green) Relating to the residence status for educational purposes of an inmate of the Texas Department of Criminal Justice. (31-0) (31-0)

**C.S.S.B. 801** (Dickson) Relating to death benefits payable to the survivors of certain public servants. (31-0) (31-0)

**S.B. 856** (Brooks) Relating to the use of scrap tires by political subdivisions for road construction or repair. (31-0) (31-0)

**S.B. 875** (Sims, on behalf of Haley) Relating to remedial and developmental reading courses for secondary students. (31-0) (31-0)

Senator Sims, on behalf of Senator Haley, offered the following committee amendment to the bill:

Amend S.B. 875, Sec. 21.5571, by substituting the following subsections (a) and (b) and adding subsection (e).

(a) A school district shall provide remedial or developmental reading support for students in the seventh or higher grade level who score below the passing standard in reading or writing on assessment instruments administered under Section 21.551 of this code.

(b) The support provided shall be provided through technology and other means including the utilization of certified reading specialists where possible and small class sizes.

(e) Funding for this section shall be provided from allocations under Section 16.152 of this code.

The committee amendment was read and was adopted by a viva voce vote.

On motion of Senator Sims, on behalf of Senator Haley and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

**C.S.S.B. 892** (Carriker) Relating to the validation of certain hospital districts and their proceedings. (31-0) (31-0)

**C.S.S.B. 933** (Parker) Relating to the purchase of library books and materials for libraries at institutions of higher education. (31-0) (31-0)

**S.B. 973** (Truan) Relating to the plan for the development of new beds in the ICF-MR program. (31-0) (31-0)

**S.B. 1041** (Montford) Relating to the correction of the ad valorem tax roll. (31-0) (31-0)

**C.S.S.B. 1049** (Lucio) Relating to the regulation of metered electric utility service provided by recreational vehicle park owners. (31-0) (31-0)

**S.B. 1064** (Dickson) Relating to master assignment and amendment filings with the secretary of state. (31-0) (31-0)

**S.B. 1147** (Parker) Relating to testing of deaf or blind students enrolled at institutions of higher education. (31-0) (31-0)

**C.S.S.B. 1177** (Brooks) Relating to operation of, and benefits provided by, the Health Insurance Risk Pool. (31-0) (31-0)

**C.S.S.B. 1226** (Dickson) Relating to title insurance disclosure. (31-0) (31-0)

**C.S.S.B. 1245** (Carriker) Relating to rate regulation of medical professional liability insurance. (31-0) (31-0)

**C.S.S.B. 1246** (Carriker) Relating to state indemnification of, and liability insurance premiums for, certain health care claims. (31-0) (31-0)

**S.B. 1417** (Truan) Relating to the use of the medical services trust fund. (31-0) (31-0)

**C.S.S.B. 1451** (Brooks) Relating to the incorporation of and membership of hospitals and a hospital council or related subgroup in a cooperative association. (31-0) (31-0)

**C.S.S.B. 1507** (Truan) Relating to the use of lead in plumbing fixtures; providing penalties. (31-0) (31-0)

**S.B. 1514** (Carriker) Relating to authorizing certain counties to spend general revenue funds or issue bonds for the financing of wastewater treatment and water distribution systems within the county. (31-0) (31-0)

**C.S.S.B. 745** (Sims) Relating to the authority of the Parks and Wildlife Commission to regulate hunting on public waters for safety purposes. (31-0) (31-0)

**H.B. 139** (Brown) Relating to disclosure by a financial institution of an amount deposited. (31-0) (31-0)

**H.B. 214** (Sims) Relating to filing district plats with creation or confirmation election results for certain water districts. (31-0) (31-0)

**H.B. 290** (Barrientos) Relating to the offense of injury to or interference with an animal under the supervision of a peace officer, corrections officer, or jailer. (31-0) (31-0)

**H.B. 384** (Parker) Relating to items eligible for homeowners insurance premium reductions. (31-0) (31-0)

**H.B. 530** (Montford) Relating to the creation, administration, powers, duties, operation, and financing of the Llano Estacado Underground Water Conservation District. (31-0) (31-0)

**C.S.H.B. 545** (Whitmire) Relating to the requirement that a county check or warrant be presented at the county seat for payment. (31-0) (31-0)

**C.S.H.B. 675** (Brooks) Relating to confidentiality and privilege requirements for certain information relating to impaired physicians. (31-0) (31-0)

**H.B. 960** (Barrientos) Relating to deferral of adjudication and dismissal of certain cases on commitment of a chemically dependent person to a treatment facility. (31-0) (31-0)

Senator Barrientos offered the following committee amendment to the bill:

Amend **H.B. 960** by deleting subsection (b) in its entirety and renumbering the remaining sections in the appropriate fashion.

The committee amendment was read and was adopted by a viva voce vote.

On motion of Senator Barrientos and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

**H.B. 982** (Montford) Relating to increasing the student medical services fees at Texas Tech University. (31-0) (31-0)

**H.B. 998** (Henderson) Relating to the promotion of the use of toll roads. (31-0) (31-0)

**H.B. 1166** (Ratliff) Relating to the dissolution of inactive water districts. (31-0) (31-0)

**H.B. 1176** (Parker) Relating to the duties and compensation of commissioners of the Port of Beaumont Navigation District of Jefferson County. (31-0) (31-0)

**C.S.H.B. 1578** (Dickson) Relating to the commission of special game wardens by the director of the Parks and Wildlife Department. (31-0) (31-0)

**H.B. 1668** (Brown) Relating to the regulation of alligator hunters or buyers. (31-0) (31-0)

**H.B. 1743** (Brown) Relating to the authority of certain employees of the Parks and Wildlife Department to administer oaths. (31-0) (31-0)

**H.B. 1772 (Carriker)** Relating to the hunting of pen-reared birds on a private bird hunting area. (31-0) (31-0)

#### **REPORTS OF STANDING COMMITTEES**

By unanimous consent, Senator Lyon submitted the following report for the Committee on Criminal Justice:

**S.B. 1006**  
**S.B. 1007**  
**S.B. 982**  
**S.B. 1081**  
**H.B. 693**  
**C.S.H.B. 377**  
**H.B. 50**  
**C.S.S.B. 620**

By unanimous consent, Senator Armbrister, Acting Chair, submitted the following report for the Committee on Finance:

**H.B. 1184**

By unanimous consent, Senator Zaffirini, Acting Chair, submitted the following report for the Committee on Health and Human Services:

**H.C.R. 61**  
**H.B. 954**  
**C.S.H.B. 1101**  
**C.S.H.B. 925**  
**C.S.S.B. 1530**

By unanimous consent, Senator Dickson submitted the following report for the Committee on Economic Development:

**S.B. 1252**  
**S.B. 1511**  
**H.B. 2049**  
**H.B. 1219**  
**H.B. 922**  
**H.B. 1587**  
**H.B. 1144**  
**H.B. 452**  
**H.B. 1902**  
**H.B. 650**  
**H.B. 1725**  
**H.B. 2542 (Amended)**  
**C.S.S.B. 637**  
**C.S.S.B. 389**  
**C.S.S.B. 997**  
**C.S.S.B. 1505**  
**C.S.S.B. 1519**  
**C.S.S.B. 1490**  
**C.S.S.B. 962**  
**C.S.S.B. 374**  
**C.S.S.B. 375**  
**C.S.H.B. 1941**

By unanimous consent, Senator Sims submitted the following report for the Committee on Natural Resources:

H.B. 2553  
H.B. 2103  
H.B. 478  
H.B. 531 (Amended)  
C.S.H.B. 1207  
C.S.S.B. 1543

**CONCLUSION OF SESSION FOR LOCAL AND  
UNCONTESTED BILLS CALENDAR**

The Presiding Officer (Senator Haley in Chair) announced that the session for the consideration of the Local and Uncontested Bills Calendar was concluded.

**MEMORIAL RESOLUTION**

**S.R. 703** - By Zaffirini: In memory of Ken Norris Meister of Zavala County.

**WELCOME AND CONGRATULATORY RESOLUTIONS**

**S.C.R. 133** - By Barrientos: Expressing gratitude to Dr. Wallace Mendelson for his exceptional contributions to the citizens of Texas.

**S.C.R. 135** - By Bivins: Honoring Carl Nafzger for his outstanding achievements as a trainer of champion racehorses.

**S.R. 697** - By Sims: Commending Juanita Wood on receiving the prestigious Gold Award, the highest award in Girl Scouting.

**S.R. 698** - By Sims: Commending Ann Grafe on receiving the prestigious Gold Award, the highest award in Girl Scouting.

**S.R. 699** - By Sims: Commending Dana Capps on receiving the prestigious Gold Award, the highest award in Girl Scouting.

**S.R. 700** - By Krier: Commending William Judson for his unique achievements in creating opportunities for individuals who are blind.

**S.R. 701** - By Barrientos: Extending congratulations to Roland Hill and Michael Hornsby for being selected to represent the Texas Special Olympics at the 1991 International Summer Special Olympics Games held in Minneapolis-Saint Paul, Minnesota, July 19 through 27.

**S.R. 702** - By Barrientos: Recognizing Dr. Kelly Tom Hale on the joyful occasion of his 30th birthday.

**S.R. 705** - By Bivins: Recognizing Jim Smith, Texas Agricultural Extension Service agriculture agent in Potter County, for his exceptional work for the people of Potter County and the State of Texas.

**S.R. 706** - By Tejeda: Recognizing the 16th Annual Cultural Arts Exhibit sponsored by the Harlandale Independent School District.

**S.R. 707** - By Leedom: Welcoming to Austin the recruiters, directors of personnel, career and education managers, and other staff members from the National Guard Bureau.

**S.R. 708** - By Barrientos: Extending congratulations to the Murchison Middle School Concert Band from Austin for being awarded the prestigious "Sudler Cup" from the John Philip Sousa Foundation.

**S.R. 709** - By Ellis: Recognizing the Texas Southern University team and Coach Vanya Gamble for their superior performance in the Campus All-Star Challenge.

**S.R. 711** - By Barrientos: Honoring Charles Ray Burton of Austin on the occasion of his 61st birthday.

#### **ADJOURNMENT**

Senator Haley announced at 8:21 a.m. that the Senate would stand adjourned, in memory of Shelley V. Smith of Abilene, until 9:00 a.m. today.

#### **SIXTY-THIRD DAY** (Friday, May 10, 1991)

The Senate met at 9:00 a.m. pursuant to adjournment and was called to order by President Pro Tempore Glasgow.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brooks, Brown, Carriker, Dickson, Ellis, Glasgow, Green, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Johnson, Krier, Leedom, Lucio, Lyon, Moncrief, Montford, Parker, Ratliff, Rosson, Sibley, Sims, Tejeda, Truan, Turner, Whitmire, Zaffirini.

A quorum was announced present.

Senate Doorkeeper Jim Morris offered the invocation as follows:

God of peace, as we assemble this morning, we do so in gratitude for the many ways You have blessed each of us. It is our prayer that today's session will engage the very best of the Members as they seek to resolve the tough but solvable issues before them. We thank You for these who govern and probe for a better government. In this honored place may they always stand without fear and be heard.

And lest we forget, for those on foreign soil continuing to stand watch against tyranny and oppression, we offer this prayer. May their courage match whatever challenge they encounter this day. In Jesus' name we pray. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

#### **CO-AUTHOR OF SENATE BILL 1235**

On motion of Senator Brooks and by unanimous consent, Senator Rosson will be shown as Co-author of **S.B. 1235**.

#### **CO-AUTHORS OF SENATE BILL 1596**

On motion of Senator Turner and by unanimous consent, Senators Dickson, Ellis, Haley, Lucio, Sims, Barrientos, Leedom, Sibley, Harris of Tarrant and Carriker will be shown as Co-authors of **S.B. 1596**.

#### **REPORTS OF STANDING COMMITTEES**

Senator Glasgow submitted the following report for the Committee on State Affairs:

**C.S.S.B. 1520**